

# **Plaintiffs' Exhibit 86**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

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UNITED STATES,                    ) Case No.  
et al.,                            ) 1:23-cv-00108-LMB-JFA  
                                      )  
Plaintiffs,                    )  
                                      )  
vs.                                )  
                                      )  
GOOGLE LLC,                    )  
                                      )  
Defendant.                    )  

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VIDEOTAPED 30(b)(6) DEPOSITION OF  
NATIONAL HIGHWAY TRAFFIC SAFETY ASSOCIATION  
through the testimony of  
SUSAN A. McMEEN  
September 26, 2023  
2:55 p.m.

Reported by: Bonnie L. Russo  
Job No. 6105353

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973-410-4098

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1 Q. Understood. So which -- and let me  
2 go back and ask the question earlier again.

3 Which Google products did NHTSA  
4 utilize in connection with the Safe Cars Save  
5 Lives campaign?

6 MR. GROSSMAN: Objection to form.

7 THE WITNESS: It was a Google -- it  
8 was the previously -- name of the DV360 prior  
9 to that. I -- I don't remember offhand.

10 BY MR. GREENBAUM:

11 Q. Are you talking about DoubleClick  
12 Bid Manager?

13 MR. GROSSMAN: Objection to form.

14 THE WITNESS: Because we're talking  
15 2019, I would actually have to go pull the  
16 actual information to be able to verify it.

17 BY MR. GREENBAUM:

18 Q. Did NHTSA stop using Google products  
19 in 2019 for the Safe Cars Save Lives campaign?

20 A. I don't know exactly which year. I  
21 just threw that out as a year as an example.  
22 Okay. I can't -- I would have to go back in

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1 time and look at those. We have lots of  
2 campaigns with a lot of different years and so  
3 forth. So I would really have to go back and  
4 verify that.

5 I can tell you that we have used in  
6 the past for the recalls campaigns we have used  
7 some of those products.

8 Q. Okay. So I will make this easy and  
9 ask you --

10 A. Thank you.

11 Q. -- about the automated driver  
12 assistance technology campaign.

13 Does NHTSA currently use DV360 for  
14 the automated driver assistance technology  
15 campaign?

16 A. So I can't -- are you -- what year  
17 are you referring to?

18 Q. Currently.

19 A. 2023. I cannot speak exactly if it  
20 would be used. I can just -- I would have to  
21 look at the plan to know for sure.

22 Q. Okay. But at some point between

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1           2019 and 2023, NHTSA utilized DV360 for the  
2           Automated Driver Assistance Technologies  
3           campaign?

4           A.       That's correct.

5           Q.       Why did NHTSA utilize DV360 for that  
6           campaign?

7           MR. GROSSMAN:   Objection to form.

8           THE WITNESS:   Because our ad agency  
9           put together a media plan for us, and we  
10          reviewed it with them and felt with their  
11          recommendations that we would use that and  
12          amongst other things for that -- for that  
13          campaign.

14          BY MR. GREENBAUM:

15          Q.       And has using DV360 for the  
16          automated driver assistance technology campaign  
17          help NHTSA achieve its campaign objectives in  
18          between 2019 and 2023?

19          MR. GROSSMAN:   Objection to form.

20          THE WITNESS:   So as I mentioned,  
21          you're using a span of 2019 to 2023 or 2022 I  
22          believe, and I do not believe that we used

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1 DV360 in all those years. At least one of  
2 those years, I know we used it. So -- but  
3 because I can't tell you today what we're using  
4 in 2023 exactly for that particular campaign.

5 I do know that we reviewed our  
6 results, and then with the recommendation, the  
7 ad agency on our behalf will make a purchase  
8 for us.

9 BY MR. GREENBAUM:

10 Q. So for the year that NHTSA utilized  
11 DV360 for the automated driver assistance  
12 technology campaign, did DV360 help NHTSA  
13 achieve its campaign objectives?

14 MR. GROSSMAN: Objection to form.

15 THE WITNESS: Again, as I mentioned,  
16 when we run a campaign, then we do -- they  
17 provide us a report in how well it did. I just  
18 cannot recall at this moment exactly how that  
19 did.

20 BY MR. GREENBAUM:

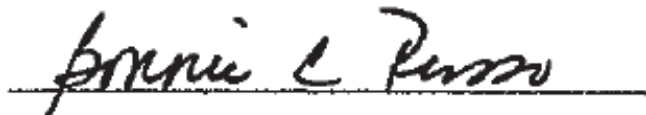
21 Q. Did -- do you recall any complaints  
22 about the quality of Google's services in

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## 1 CERTIFICATE OF NOTARY PUBLIC

2 I, Bonnie L. Russo, the officer before  
3 whom the foregoing deposition was taken, do  
4 hereby certify that the witness whose testimony  
5 appears in the foregoing deposition was duly  
6 sworn by me; that the testimony of said witness  
7 was taken by me in shorthand and thereafter  
8 reduced to computerized transcription under my  
9 direction; that said deposition is a true  
10 record of the testimony given by said witness;  
11 that I am neither counsel for, related to, nor  
12 employed by any of the parties to the action in  
13 which this deposition was taken; and further,  
14 that I am not a relative or employee of any  
15 attorney or counsel employed by the parties  
16 hereto, nor financially or otherwise interested  
17 in the outcome of the action.

18  
19 

20 Notary Public in and for  
21 the District of Columbia

22 My Commission expires: August 14, 2025

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1 United States, Et Al v. Google, LLC

2 McMeen , NHTSA 30(b)(6) (#6105353)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, McMeen , NHTSA 30(b)(6), do hereby declare that I  
5 have read the foregoing transcript, I have made any  
6 corrections, additions, or changes I deemed necessary as  
7 noted above to be appended hereto, and that the same is  
8 a true, correct and complete transcript of the testimony  
9 given by me.

10  
11 \_\_\_\_\_  
12 McMeen , NHTSA 30(b)(6)

\_\_\_\_\_ Date

13 \*If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

16  
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18 \_\_\_\_\_  
19 NOTARY PUBLIC  
20  
21  
22  
23  
24  
25



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1 David Grossman Esq

2 David.grossman@usdoj.gov

3 September 27th, 2023

4 RE: United States, Et Al v. Google, LLC

5 9/26/2023, McMeen , NHTSA 30(b)(6) (#6105353)

6 The above-referenced transcript is available for  
7 review.

8 Within the applicable timeframe, the witness should  
9 read the testimony to verify its accuracy. If there are  
10 any changes, the witness should note those with the  
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of  
13 Deponent and Errata and return to the deposing attorney.  
14 Copies should be sent to all counsel, and to Veritext at  
15 (erratas-cs@veritext.com).

16  
17 Return completed errata within 30 days from  
18 receipt of testimony.

19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

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1 United States, Et Al v. Google, LLC

2 McMeen , NHTSA 30(b)(6) (#6105353)

3 E R R A T A S H E E T

4 PAGE 40 LINE 5 CHANGE Change "Youtube" to  
5 "you contend"

6 REASON

7 PAGE 40 LINE 12 CHANGE Change "that donated  
8 media" to "about donated media"

9 REASON

10 PAGE 45 LINE 16 CHANGE Change "who do it on  
11 behalf will do" to "who do it on behalf and will  
12 do"

13 REASON

14 PAGE LINE CHANGE

15

16 REASON

17 PAGE LINE CHANGE

18

19 REASON

20 PAGE LINE CHANGE

21

22 REASON

23

24 McMeen , NHTSA 30(b)(6)

Date

25

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5 have read the foregoing transcript, I have made any  
6 corrections, additions, or changes I deemed necessary as  
7 noted above to be appended hereto, and that the same is  
8 a true, correct and complete transcript of the testimony  
9 given by me.

10 Susan McMeen

11 10/27/23

12 McMeen , NHTSA 30(b)(6)

Date

13 \*If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

16  
17  
18 \_\_\_\_\_  
19 NOTARY PUBLIC  
20  
21  
22  
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